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Air Pollution Regulations in State Implementation Plans California, Sutter County

Abcor, Inc, Wilmington, MA Walden Div

Prepared for

Environmental Protection Agency, Research Triangle Park, NC Control Programs Development Div

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This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

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EPA

Air Pollution Regulations in State Implementation Plans:

California

Sutter County

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Air Pollution Regulations in State Implementation Plans:

California

Sutter County

by

Walden Division of Abcor, Inc.
Wilmington, Massachusetts

Contract No. 68-02-2890

EPA Project Officer: Bob Schell

Prepared for

U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Air, Noise, and Radiation
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

August 1978

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Publication No. EPA-450/3-78-054-40

INTRODUCTION

This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act Amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

There have been recent changes in the Federal enforceability of parking management regulations and indirect source regulations. The October, 1977, appropriation bill for EPA prohibited Federal enforcement of parking management regulations in the absence of specific Federal authorizing legislation. Federally promulgated parking management regulations have, therefore, been suspended indefinitely. Pursuant to the 1977 Clean Air Act Amendments, indirect source regulations may not be required for the approval of a given SIP. Consequently, any State adopted indirect source regulations may be suspended or revoked; State adopted indirect source regulations contained in an applicable SIP are Federally enforceable. More importantly, EPA may only promulgate indirect source review regulations which are specific to Federally funded, operated, or owned facilities or projects. Therefore, the Federally promulgated indirect source regulations appearing in this document are not enforceable by EPA except as they relate to Federal facilities.

Since State air quality regulations vary widely in their organization, content, and language, a standardized subject index is utilized in this document. Index listings consist of both contaminant and activity oriented categories to facilitate usage. For example, for regulations which apply to copper smelters, one might look under sulfur compounds (50.2), particulate matter process weight (50.1.1), or copper smelters (51.15). Federal regulations pertaining to a given State immediately follow the approved State and local regulations.

Additionally, a summary sheet of the information included in each comprehensive document is presented prior to the regulatory text to allow one to quickly assess the contents of the document. Specifically, the summary sheets contain the date of submittal to EPA of each revision

to the SIP and the date of the Federal Register in which the revision was either approved or disapproved by EPA. Finally, a brief description or reference of the regulation which was submitted is also included.

This document is not intended to provide a tool for determining the enforceability of any given regulation. As stated above, it is intended to provide a comprehensive compilation of those regulations which are incorporated directly or by reference into Title 40, Part 52, of the Code of Federal Regulations. Consequently, the exclusion of a Federally approved regulation from this document does not diminish the enforceability of the regulation. Similarly, the inclusion of a given regulation (for example, regulations governing pollutants, such as odors, for which there is no national ambient air quality standards) in this document does not, in itself, render the regulation enforceable.

SUMMARY SHEET
OF

EPA APPROVED REGULATION CHANGES

SUTTER COUNTY APCD

SUBMITTED	APPROVED	DESCRIPTION
6/30/72	9/22/77	All Regulations unless otherwise specified
7/19/64	2/10/77	Rule 1.3
1/10/75	2/10/77	Rule 4.1
7/22/75	2/10/77	Rule 1.2, 2.82, 4.11
4/21/76	2/10/77	Rule 4.1

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STATE AIR POLLUTION REGULATIONS

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SUTTER COUNTY
AIR POLLUTION CONTROL DISTRICT
RULES AND REGULATIONS

REGULATION I: GENERAL PROVISIONS

(2.0) Rule 1.1 Title.

These rules and regulations shall be known as the Rules and Regulations of the Sutter County Air Pollution Control District.

(1.0) Rule 1.2 Definitions.

Except as otherwise specifically provided in these rules and except where the context otherwise indicates, words used in these rules are used in exactly the same sense as the same words are used in Chapter 2, Division 20 and Chapter 10, Part 1, Division 26 of the Health and Safety Code.

(a) Agricultural Burning. "Agricultural Burning" means open outdoor fires used in agricultural operations, in the growing of crops or raising of fowls or animals, forest management, or range improvement of land for wildlife and game habitat.

(b) Agricultural Wastes. "Agricultural Wastes" are defined as unwanted or unsaleable materials produced wholly from agricultural operations, other than forest or range management operations, directly related to the growing of crops or animals for the primary purpose of making a profit or for a livelihood.

(c) Air Contaminant. "Air Contaminant" includes smoke, charred paper, dust, soot, grime, carbon, noxious acids, fumes, gases, odors, or particulate matter or any combination thereof.

(d) Atmosphere. "Atmosphere" means the air that envelopes or surrounds the earth. Where air pollutants are emitted into a building not designated specifically as a piece of air pollution control equipment, such emission into the building shall be considered as emission into the atmosphere.

(e) Board. "Board" means the Air Pollution Control Board of the Sutter County Air Pollution Control District.

(f) Burn Day. A "Burn Day" means any day on which the California Air Resources Board does not prohibit burning of agricultural wastes.

(g) Clerk of the Hearing Board. "Clerk of the Hearing Board" means the County Clerk of the County of Sutter who is ex officio Clerk of the Hearing Board.

(h) Combustible Refuse. "Combustible Refuse" is any solids or liquid combustible waste material containing carbon in free or combined state.

(i) Combustion Contaminants. "Combustion Contaminants" are any air contaminants discharged into the atmosphere from the burning of any kind of material.

(j) Condensed Fumes. "Condensed Fumes" are minute, solid particles generated by the condensation of vapors from solid matter after volatilization from the molten state, or may be generated by sublimination, distillation, calcination, or chemical reaction when these processes create air-borned particles.

(k) Control Officer. "Control Officer" means the Air Pollution Control Officer of the Sutter County Air Pollution Control District.

(l) Designated Agency. "Designated Agency" means the public fire protection or other equivalent agency designated by the California Air Resources Board to issue permits for burning of agricultural wastes.

(m) District. "District" is the Sutter County Air Pollution Control District.

(n) Dusts. "Dusts" are minute, solid particles released into the air by natural forces or by mechanical processes such as crushing, grinding, milling, drilling, demolishing, shoveling, conveying, covering, bagging, sweeping, or other similar processes.

(o) Hearing Board. "Hearing Board" means the Hearing Board of the Sutter County Air Pollution Control District.

(p) Multiple-Chamber Incinerator. "Multiple-Chamber Incinerator" is any article, machine, equipment, contrivance, structure or any part of a structure used to dispose of combustible refuse by burning, consisting of three or more refractory lines combustion furnaces in series, physically separated by refractory wall, interconnected by gas passage ports or ducts, and employing adequate design parameters necessary for maximum combustion of the material to be burned.

(q) No-Burn Day. A "No-Burn Day" means any day on which the California Air Resources Board prohibits burning of agricultural wastes.

(r) Open Outdoor Fire. "Open Outdoor Fire" as used in this regulation means combustion of any combustible refuse or other material of any type outdoors in the open air not in any en-

closure, where the products of combustion are not directed through a flue.

(s) Orchard, Field Crop or Citrus Grove Heater. "Orchard, Field Crop or Citrus Grove Heater" means any article, machine, equipment or other contrivance, burning any type of fuel or material capable of emitting air contaminants, used or capable of being used for the purpose of giving protection from frost damage.

(t) Particulate Matter. "Particulate Matter" is any material, except uncombined water, which exists in a finely divided form as a liquid or solid at standard conditions.

(u) Person. "Person" means any person, firm, association, organization, partnership, business trust, corporation, company, contractor, supplier, installer, user or owner, or any state or local governmental agency or public district or any officer or employee thereof.

(v) Process Weight Per Hour. "Process Weight" is the total weight of all feed materials excluding water and air used in processing introduced into any specific process which process may cause any discharge into the atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. "The Process Weight Per Hour" will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.

(w) Regulation. "Regulation" means one of the major subdivisions of the Rules and Regulations of the Sutter County Air Pollution Control District.

(x) Rule. "Rule" means a rule of the Sutter County Air Pollution Control District.

(y) Section. "Section" means section of the Health and Safety Code of the State of California unless some other statute is specifically mentioned.

(z) Standard Conditions. "Standard Conditions" as used in these regulations, is a gas temperature of 60 degrees Farenheit and a gas pressure of 14.7 pounds per square inch absolute. Results of all analyses and tests shall be calculated or reported at this gas temperature and pressure.

(14.0) Rule 1.3 Public Records.

(a) All information, analyses, plans, or specifications that disclose the nature, extent, quantity, or degree of air contaminants

or other pollution which an article, machine, equipment, or other contrivance will produce, which the Sutter County Air Pollution Control Office or any other state or local agency or district requires any applicant to provide before such applicant builds, erects, alters, replaces, operates, sells, rents, or uses such article, machine, equipment, or other contrivance, are public records.

(b) All air or other pollution monitoring data, including data compiled from stationary sources are public records.

(c) Except as otherwise provided in subdivision (d), trade secrets are not public records under this section. "Trade secrets," as used in this section, may include, but are not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compounds an article of trade or a service having commercial value and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.

(d) Notwithstanding any other provision of law, all air pollution emission data, including those emission data which constitute trade secrets as defined in subdivision (c), are public records. Data used to calculate emission data are not emission data for the purpose of this subdivision and data which constitute trade secrets and which are used to calculate emission data are not public records.

(15.0) Rule 1.4 Enforcement.

These rules and regulations shall be enforced by the Air Pollution Control Officer under authority of Health and Safety Code Sections 24224, 24260, 24262, and all officers empowered by Section 24221.

(15.0) Rule 1.5 Validity.

If any regulation, rule, subdivision, sentence, clause, or phrase of these Rules and Regulations is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of these Rules and Regulations. The Air Pollution Control Board hereby declares that it would have adopted these Rules and Regulations and every regulation, rule, subdivision, sentence, clause, and phrase thereof irrespective of the fact that any one or more regulations, rules, subdivisions, sentences, clauses or phrases be declared unconstitutional or invalid.

(2.0) Rule 1.6 Effective Date.

These Rules and Regulations shall take effect on February 7, 1972.

(15.0) Rule 1.7 Arrest, Notice to Appear.

(a) The Air Pollution Control Officer is hereby authorized pursuant to Penal Code Section 836.5 to arrest a person without a warrant whenever he has reasonable cause to believe that the person to be arrested has committed a misdemeanor in his presence which is a violation of these Rules and Regulations.

(b) In any case in which a person is arrested pursuant to subdivision (a) of this rule and the person arrested does not demand to be taken before a magistrate, the Air Pollution Control Officer making the arrest shall prepare a written notice to appear and release the person on his promise to appear as prescribed by Chapter 5C, Title 3, Part 2 of the Penal Code (commencing with Section 853.6). The provisions of such Chapter shall thereafter apply with reference to any proceeding based upon the issuance of a written notice to appear pursuant to this authority.

REGULATION II: PROHIBITIONS, EXCEPTIONS - REQUIREMENTS

(50.0) Rule 2.1 Control of Emissions.

The emission of material which may be the cause of air pollution shall be controlled by the contents of this regulation.

(3.0) Rule 2.2 Alteration of Permit.

No person shall willfully deface, alter, forge, counterfeit, or falsify any permit issued under these Rules and Regulations.

(50.1.2) Rule 2.3 Ringelmann Chart.

A person shall not discharge into the atmosphere from any single source of emission whatsoever, any air contaminant for a period or periods aggregating more than 3 minutes in any one hour which is:

(a) As dark or darker in shade as that designated as No. 2 on the Ringelmann Chart, as published by the United States Bureau of Mines; or

(b) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (a) of this rule.

(2.0) Rule 2.4 Exceptions.

The provisions of Rule 2.3 do not apply to:

(a) Smoke from fires set or permitted by any public officer, if such fire is set by or permission given in the performance of the official duty of such officer, and such fire in the opinion of such officer is necessary: (1) For the purpose of the prevention of a fire or health hazard which cannot be abated by any other means; or (2) The instruction of public employees in the methods of fighting fire.

(b) Smoke from fires set pursuant to permit on property used for industrial purposes for the purpose of instruction of employees in methods of fighting fire.

(c) Agricultural operations in the growing of crops or raising of fowl, animals or bees.

(d) The use of an orchard or citrus grove heater which does not produce unconsumed solid carbonaceous matter at a rate in excess of one (1) gram per minute.

(e) Setting or causing to be set backfires necessary to save life or valuable property pursuant to Section 4426 of the Public Resources Code.

(f) Smoke from fires set for the improvement of watershed, range or pasture.

(g) Smoke from fires set pursuant to an open burning permit issued by the Air Pollution Control Officer or his designee.

(h) The use of any aircraft to distribute seed, fertilizer, insecticides, or other agricultural aids over lands devoted to the growing of crops or raising of fowls or animals.

(i) As provided in Health and Safety Code Section 39297.2, nothing in these rules and regulations shall be construed as prohibiting burning for the disposal of combustible or flammable solid waste of a single or two-family dwelling on its premises.

(j) As provided in Health and Safety Code Section 39297.3, nothing in these rules and regulations shall be construed to prohibit burning for right-of-way clearing by a public entity or utility or for levee and ditch maintenance.

(50.7) Rule 2.5 Nuisance.

A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of such persons or the public or which cause to have a natural tendency to cause injury or damage to business or property.

(50.7) Rule 2.6 Additional Exceptions.

The provisions of Rule 2.5 do not apply to odors emanating from agricultural operations in the growing of crops or raising of fowl, animals, or bees.

(50.1.2) Rule 2.7 Wet Plumes.

When the presence of uncombined water is the only reason for the failure of an emission to meet the limitation of Rule 2.3, that rule shall not apply. The burden of proof which establishes the application of the rule shall be upon the person seeking to come within its provisions.

(51.13) Rule 2.8 Open Burning.

No person shall set or permit an open outdoor fire within the boundaries of the Sutter County Air Pollution Control District except:

(a) For a fire set or for which permission for such fire is given in the performance of the official duty of any public officer, and such fire in the opinion of such officer is necessary: (1) For the purpose of the prevention of a fire or health hazard which cannot be abated by any other means; or (2) For the instruction of public or industrial employees in methods of fire fighting; or (3) Set pursuant to permit on property used for industrial purposes for the purpose of instruction of employees in the method of fighting fires.

(b) To set or cause to set backfires necessary to save life or valuable property pursuant to Section 4426 of the Public Resources Code.

(c) To abate fires pursuant to Chapter 2 (commencing with Section 13025) of Part 1 of Division 12 of the California Health and Safety Code.

(d) For right-of-way clearing by a public entity or utility or for levee or ditch maintenance.

(e) For agricultural burning permitted by law.

(f) For the burning of combustible or flammable solid waste of a single or two-family dwelling on its premises.

(51.13) Rule 2.8.1 Additional Open Burning Restrictions.

Open burning exempted by Rules 2.8(a), (d), (e) and (f) shall be allowed only on days declared by the Air Resources Board to be burn days.

(51.9) Rule 2.82 Open Burning of Waste Wood on Property Where Grown.

Notwithstanding the provisions of Rule 2.8 of these Rules, open outdoor fires for the purpose of disposal of unusable wood waste upon the property where it was grown may be authorized by the Air Pollution Control Officer under the following conditions:

(a) That such burning shall comply in every respect to the requirements of Section 39297.6 of the California Health & Safety Code.

(b) That such burning shall comply in every respect to the applicable requirements of Title 17, California Administrative Code, pertaining to Agricultural, Range Improvement, and Forest Management burning, (except that wood waste created during commercial or residential land clearing may also be burned on the property where it was grown.)

(c) That a Permit for such burning shall have been issued by the Air Pollution Control Officer in advance.

1. No such Permit shall be issued unless the following conditions have been satisfied by the Applicant:

(a) Satisfactory evidence has been submitted by the Applicant to prove the following:

(1) That the proposed burn shall not create a nuisance.

(2) That the proposed burn shall not significantly degrade the ambient air quality.

(3) That the proposed burn shall not result in the risk of fire damage to nearby lands or structures, and shall be approved by the Fire Agency having jurisdiction.

(4) That only approved ignition devices will be used.

(b) The moisture content of the wood waste shall be low enough to insure clean burning.

(c) (1) The wood waste shall be free of dirt, mud and soil.

(2) The wood waste shall be free of foreign materials such as tires, tar, plastics, demolition debris, etc.

(3) The wood waste shall be stacked or piled so as to insure quick ignition and clean, efficient burning.

(4) Unwanted trees, six inches or larger, shall be felled and dried before burning.

(d) When the wood waste to be burned is located near a populated area the wind direction shall be away from the populated area before burning the wood waste.

(e) Brush should be treated at least six months prior to burning when economically and technically feasible.

(f) That the burning is done only on permissive burn days as established by the State Air Resources Board.

(g) That the burn be ignited as rapidly as practicable within applicable fire control regulations.

2. The application for a Permit to open-burn wood waste shall include the following information:

(a) The site where the burning is to occur.

(b) The amount of material and duration of the burning operation.

(c) The name, address, and phone number of the person directly responsible for the preparation and actual burning of the wood waste.

(d) The name, address, and phone number of persons owning or controlling the property where the wood waste is to be burned. (if different from that in (c) above.)

(d) Should it be deemed necessary, for the preservation of acceptable air quality, by the Air Resource Board or the Air Pollution Control Officer, quotas for the amount of wood waste that may be burned on any given day may be imposed. The following shall apply on this regard.

1. The Permittee shall, prior to burning, establish from the Air Pollution Control District that the day's quota will allow the open burning of his proposed amount of wood waste, and shall receive verbal authorization from the Air Pollution Control District for his proposed burn.

2. Authorization for burning on quota days shall be given on a first-come first-served basis.

3. Any permit issued pursuant to these criteria shall be void on any quota day, unless approval for the proposed burn is given to the Permittee by the Air Pollution Control district on that said quota day.

(e) Permits for the open burning of wood waste issued pursuant to the provisions of these criteria shall, in addition to any other required wording, include the following statements or other suitable, similar verbage:

"This Permit is valid only on permissive burn days as established by the State Air Resources Board."

In the event that burning quotas are enforced, the following wording on similar verbage shall also be included on the Burning Permit:

"This Permit is valid only on those days authorized by the Air Pollution Control District under open burning quota limitations."

(f) Violation of any of the provisions of these criteria shall void any Permit issued pursuant to these criteria.

(51.9) Rule 2.9 Incinerator Burning.

Except for the burning of residential rubbish, a person shall not burn any combustible refuse within the boundaries of the Sutter County Air Pollution Control District, except in a multiple-chamber incinerator as described in Rule 1.2(p), or in equipment found by the Air Pollution Control Officer to be equally effective for the purpose of air pollution control.

(50.1) Rule 2.10 Particulate Matter.

A person shall not discharge into the atmosphere from any source, particulate matter in excess of 0.3 grains per cubic foot of gas at standard conditions.

When the source involves a combustion process, the concentration must be calculated to 12 percent carbon dioxide (CO_2). In measuring the combustion contaminants from incinerators used to dispose of combustible refuse by burning, the carbon dioxide (CO_2) excluded from the calculation to 12 percent of carbon dioxide (CO_2).

(50.1.1) Rule 2.11 Dust and Fumes.

A person shall not discharge in any one hour from any source whatsoever dust fumes in total quantities in excess of the amounts in the following table:

ALLOWABLE RATE OF EMISSION BASED ON PROCESS WEIGHT RATE

Process Weight Rate		Rate of Emission	Process Weight Rate		Rate of Emission
Lb/Hr	Tons/Hr	Lb/Hr	Lb/Hr	Tons/Hr	Lb/Hr
100	0.05	0.551	16,000	8.00	16.5
200	0.10	0.877	18,000	9.00	17.9
400	0.20	1.40	20,000	10.	19.2
600	0.30	1.83	30,000	15.	25.2
800	0.40	2.22	40,000	20.	30.5
1,000	0.50	2.58	50,000	25.	35.4
1,500	0.75	3.38	60,000	30.	40.0
2,000	1.00	4.10	70,000	35.	41.3
2,500	1.25	4.76	80,000	40.	42.5
3,000	1.50	5.38	90,000	45.	43.6
3,500	1.75	5.96	100,000	50.	44.6
4,000	2.00	6.52	120,000	60.	46.3
5,000	2.50	7.58	140,000	70.	47.8
6,000	3.00	8.56	160,000	80.	49.0
7,000	3.50	9.49	200,000	100.	51.2
8,000	4.00	10.4	1,000,000	500.	69.0
9,000	4.50	11.2	2,000,000	1,00.	77.6
10,000	5.00	12.0	6,000,000	3,000.	92.7
12,000	6.00	13.6			

To use the above table, take the process weight per hour as such is defined in the attached definitions. Then find this figure on the table, opposite which is the maximum number of pounds of contaminants which may be discharged into the atmosphere in any one hour. As an example, if A has a process which emits contaminants into the atmosphere and which process takes 4 hours to complete, he will divide the weight of all materials in the specific process, in this example, 2,400 lbs. by 4 giving a process weight per hour of 600 lbs. The table shows that A may not discharge more than 1.83 lbs in any hour during the process. Interpolation of the data in the table for process weights up to 60,000 pounds per hour shall be accomplished by use of the equation: $E=4.10\ P^{0}.67$ and interpolation and extrapolation of the data for process weight rates in excess of 60,000 pounds per hour shall be accomplished

by use of the equation: $E=55.0\ P^{0.11}$. (E= rate of emission in pounds per hour; P= process weight rate in tons per hour.)

(50.0) Rule 2.12 Specific Contaminants.

A person shall not discharge into the atmosphere from any single source of emission whatsoever, any one or more of the following contaminants in any state or combination thereof, in excess of the following concentrations at the point of discharge:

(a) Sulphur compounds calculated as sulphur dioxide (SO_2) 0.2 percent, by volume at standard conditions.

(b) Combustion contaminants: 0.3 grains per cubic foot of gas calculated to 12 percent of carbon dioxide (CO_2) at standard conditions, except during the start of an operation or change in energy source, during the time necessary to bring the combustion process up to operating level. In measuring the combustion contaminants from incinerators used to dispose of combustible refuse by burning, the carbon dioxide (CO_2) produced by combustion of any liquid or gaseous fuels shall be excluded from the calculation ot 12 percent of carbon dioxide (CO_2).

(50.4) Rule 2.13 Organic Solvents.

(a) A person shall not discharge more than 15 pounds of organic materials into the atmosphere in any one day from any article, machine, equipment or other contrivance in which any organic solvent or any material containing organic comes into contact with flame or is baked, heat-cured or heat-polymerized, in the presence of oxygen, unless all organic materials discharged from such article, machine, equipment or other contrivance have been reduced either by at least 85 percent over-all or to not more than 15 pounds in any one day.

(b) A person shall not discharge more than 40 pounds of organic material into the atmosphere in any one day from any article, machine, equipment or other contrivance used under conditions other than described in section (a) for employing, applying, evaporating, or drying any photochemically reactive solvent, as defined in section (k), or material containing such solvent, unless all organic materials discharged from such article, machine, equipment or other contrivance have been reduced either by at least 85 percent over-all or to not more than 40 pounds in any one day.

(c) Any series of articles, machines, equipment or other contrivances designed for processing a continuously moving sheet, web, strip or wire which is subjected to any combination of operations described in sections (a) or (b) involving any photochemically reactive solvent, as defined in section (k), or material containing such solvent, shall be subject to compliance with section (b). Where only non-photochemically reactive solvents are employed or applied, and where any portion or portions of said series of articles, machines, equipment, or other contrivances involves operation described in section (a), said portions shall be collectively subject to compliance with section (a).

(d) Emissions of organic materials into the atmosphere from the clean-up with photochemically reactive solvents, as defined in section (k), of any article, machine, equipment or other contrivance described in sections (a), (b) or (c) shall be included with the other emissions of organic materials from that article, machine, equipment or other contrivance for determining compliance with this Rule.

(e) Emission of organic materials into the atmosphere as a result of spontaneously continuing drying of products for the first 12 hours after their removal from any article, machine, equipment or other contrivance described in sections (a), (b) or (c) shall be included with other emissions of organic materials from that article, machine, equipment or other contrivance for determining compliance with this Rule.

(f) Emissions of organic materials into the atmosphere required to be controlled by Sections (a), (b) or (c) shall be reduced by: (1) Incineration, provided that 90 percent or more of the carbon in the organic material being incinerated is oxidized to carbon dioxide, or (2) Absorption, or (3) Processing in a manner determined by the Air Pollution Control Officer to be not less effective than (1) or (2) above.

(g) A person incinerating, absorbing, or otherwise processing organic materials pursuant to this rule shall provide, properly install and maintain in calibration, in good working order and in operation, devices as specified in the authority to construct or permit to operate, or as specified by the Air Pollution Control Officer, for indicating temperatures, pressures, rates of flow or other operating conditions necessary to determine the degree of effectiveness of air pollution control.

(h) Any person using organic solvents or any materials containing organic solvents shall supply the Air Pollution Control Officer, upon request and in the manner and form prescribed by him, written evidence of the chemical composition, physical properties and amount consumed for each organic solvent used.

(i) The provisions of this Rule shall not apply to: (1) The manufacture of organic solvents, or the transport or storage of organic solvents or materials containing organic solvents; (2) The use of equipment which is exempt from air pollution control requirements by said rules; (3) The spraying or other employment of insecticides, pesticides or herbicides; (4) The employment, application, evaporation or drying of saturated halogenated hydrocarbons or perchloroethylene.

(j) For the purpose of this Rule, organic solvents include diluents and thinners and are defined as organic materials which are liquids at standard conditions and which are used as dissolvers, viscosity reducers or cleaning agents.

(K) For the purpose of this Rule, a photochemically reactive solvent is any solvent with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified below or which exceeds any of the following individual percentage composition limitations, referred to the total volume of solvent: (1) A combination of hydrocarbons, alcohols, aldehydes, esters, ethers, or ketones having a olefinic or cyclo-olefinic type of unsaturation: 5 percent; (2) A combination of aromatic compounds with eight or more carbon atoms to the molecule except ethylbenzene: 8 percent; (3) A combination of ethylbenzene, ketones, having branches hydrocarbon structures, trichloroethylene or toluene: 20 percent. Whenever any organic solvent or any constituent of an organic solvent may be classified from its chemical structure into more than one of the above groups of organic compounds, it shall be construed as a member of the most reactive chemical group, that is, that group having the least allowable percent of solvents. For the purposes of this Rule, organic materials are defined as chemical compound of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carnides, metallic carbonates and ammonium carbonate.

(50.6) Rule 2.14 Reduction of Odorous Matter.

(a) A person shall not operate or use any article, machine, equipment or other contrivance for the reduction of or the processing

of animal matter, agricultural material, etc., unless all gases, vapor and gas entrained effluents which contain odorous material are: (1) incinerated with adequate retention times at high temperatures to insure effective air pollution control; (2) processed in such a manner determined by the Air Pollution Control Officer to be equally, or more effective for the purpose of air pollution control than (1) above.

(b) A person incinerating or processing gases, vapors or gas-entrained effluents pursuant to this rule shall provide, properly install and maintain in calibration, in good working order and in operation devices, and specified in the permit to construct or to operate or as specified by the Air Pollution Control Officer, for indicating temperature, pressure or other operating conditions.

(c) For the purpose of this prohibition, "reduction" is defined as any heated process, including rendering, cooking, drying, dehydrating, digesting, evaporating and protein concentrating.

(d) The provisions of this rule shall not apply to any article, machine, equipment or other contrivance used exclusively for the processing of food for human consumption.

(51.5) Rule 2.15 Fuel Burning Equipment.
(51.6)
(51.7) A person shall not build, erect, install or expand any non-mobile fuel burning equipment used unless the discharge into the atmosphere of contaminants will not and does not exceed any more of the following rates:

(a) 200 pounds per hour of sulfur compounds, calculated as sulfur dioxide (SO_2);

(b) 140 pounds per hour of nitrogen oxides, calculated as nitrogen dioxide (NO_2);

(c) 10 pounds per hour of combustion contaminants derived from the fuel.

For the purpose of this Rule, a fuel burning equipment unit shall be comprised of the minimum number of boilers, furnaces, jet engines or other fuel burning equipment, the simultaneous operation of which are required for the production of useful heat or power.

Fuel Burning equipment serving primarily as air pollution control equipment by using a combustion process to destroy air contaminants shall be exempt form the provisions of this Rule.

Nothing in this Rule shall be construed as preventing the maintenance or preventing the alteration or modification of an existing fuel burning equipment unit which will reduce its mass rate of air contaminant emissions.

This Rule shall not apply to any processing operation in which a flame directly contacts the material being processed, until such time as Federal standards (Health, Education and Welfare) are completed.

(51.16) Rule 2.16 Storage of Petroleum Products.

(a) As provided in Health and Safety Code Section 39068.2, any person who, after December 31, 1970, loads or permits the loading of gasoline into any stationary tank with a capacity of 250 gallons or more from any tank truck or trailer, except through a permanent submerged fill pipe, unless such tank is a pressure tank as described in Section 39068.3, or is equipped with a floating roof as described in Section 39068.5, or unless such tank is equipped with other apparatus of equal efficiency which has been approved by the air pollution control officer is whose district the equipment is located, or where not such district exists, by the State Air Resources Board, is guilty of a misdemeanor.

(b) Any person who installs any gasoline tank with a capacity of 250 gallons or more which does not meet the requirements of subdivision (a) is guilty of a misdemeanor.

(c) Subdivision (a) and (b) shall not apply to any stationary tank installed prior to December 31, 1970.

(d) For the purposes of this section "gasoline" means any petroleum distillate having a Reid vapor pressure of four pounds or greater.

(e) For the purposes of this section, "submerged fill pipe" means any fill pipe which has its discharge opening entirely submerged when the liquid level is six inches above the bottom of the tank. "Submerged fill pipe," when applied to a tank which is located from the side, means any fill pipe which has its discharge opening entirely submerged when the liquid level is 18 inches above the bottom of the tank.

(f) Subdivisions (a) and (b) shall not apply to any stationary tank which is used primarily for the fueling of implements of husbandry, as such vehicles are defined in Division 16 (commencing with Section 36000) of the Vehicle Code.

(g) As provided in Health and Safety Code Section 30968.3, a "pressure tank" is a tank which maintains working pressure sufficient at all times to prevent hydrocarbon vapor or gas loss to the atmosphere.

(h) As provided in Health and Safety Code Section 39068.4, a "vapor recovery system" consists of a vapor gathering system capable of collecting the hydrocarbon vapors and gases so as to prevent their emission to the atmosphere, with all tank gauging and sampling devices gastight except when gauging or sampling is taking place.

(i) As provided in Health and Safety Code Section 39068.5, a "floating roof" consists of a pontoon-type or double-deck-type roof, resting on the surface of the liquid contents and equipped with a closure seal, or seals, to close the space between the roof edge and tank wall. The control equipment provided for in this section shall not be used if the gasoline, or petroleum distillate has a vapor pressure of 11.0 pounds per square inch absolute or greater under actual storage conditions. All tank gauging and sampling devices shall be gastight except when gauging or sampling is taking place.

(2.0) Rule 2.17 Circumvention.

A person shall not build, erect, install, or use any article, machine, equipment or other contrivance, the use of which, without resulting in a reduction in the total release of air contaminants to the atmosphere, reduces or conceals an emission which would otherwise constitute a violation of Division 20, Chapter 2, of the Health and Safety Code of the State of California or of these Rules and Regulations. This section shall not apply to cases in which the only violation invoved is of Section 24243 of the Health and Safety Code of the State of California.

(50.0) Rule 2.18 Separation of Emissions.

If air contaminants from a single source operation are emitted through two or more emission points, the total emitted quantity of any air contaminant limited in this Regulation cannot exceed the quantity which would be the allowable emission through a single emission point; the total emitted quantity of such air contaminant shall be taken as the product of the highest concentration measured in any of the emission points and the combined exhaust gas volume from all emission all emission points, unless the person responsible for the source operation establishes, to the satisfaction of the Air Pollution Control Officer, the correct total emitted quantity.

(50.0) Rule 2.19 Combination of Emissions.

(a) If air contaminants from two or more source operations are combined prior to emission and there are adequate and reliable means reasonably susceptible to confirmation and use by the Air Pollution Control Officer for establishing a separation of the components of the combined emission to indicate the nature, extent, quantity and degree of emission arising from each such source operation, and then all of the applicable prohibitions shall apply to each such source operation separately.

(b) If air contaminants from two or more source operations are combined prior to emission, and the combined emissions cannot be separated according to the requirements of subsection (a) of this Rule, then all applicable prohibitions shall be applied to the combined emission as if it originated in a single source operation, subject to the most stringent limitations and requirements placed by these prohibitions on any of the source operations whose air contaminants are so combined.

(2.0) Rule 2.20 Payment of Order Charging Costs.

No person shall fail or refuse to pay an order charging cost within sixty (60 days after service upon him of such order.

REGULATION III: PERMIT SYSTEM

(3.0) Rule 3.1 Authorizations and Permits Required.

(a) Construction. No person shall build, erect, alter, or replace any article, mancine, equipment, or other contrivance, the use of which may cause the issuance of air contaminants, or the use of which may eliminate or reduce or control the issuance of air contaminants, without first obtaining an authorization to construct from the Air Pollution Control Officer.

(b) Authorization to Construct. No person shall issue any building permit for a building or structure erecting, altering, or replacing any article, machine, equipment or other contrivance, the use of which may eliminate or reduce or control the issuance of air contaminants unless the Air Pollution Control Officer shall have first issued an authorization to construct for such work.

(c) Permit to Operate. No person shall operate any article, machine, equipment, or other contrivance, the use of which may cause the issuance of air contaiminants or the use of which may eliminate or reduce or control the issuance of air contaiminants, without obtaining a permit from the Air Pollution Control Officer.

(d) Existing Installations. No person shall operate any article, machine, equipment, or other contrivance, the use of which may cause the issuance of air contaiminants or the use of which may eliminate or reduce or control the issuance of air contaminants, without obtaining a permit from the Air Pollution Control Officer, after one year following the effective date of these Rules and Regula-tions or after such later time as may be fixed for good cause shown by the Hearing Board.

(3.0) Rule 3.2 Exemptions. An authorization to construct, or a permit to operate, shall not be required for:

(a) Vehicles as defined by the Vehicle Code of the State of California, but not including any article, machine, equipment or other contrivance mounted on such vehicle that would otherwise require a permit under the provisions of these Rules and Regulations.

(b) Vehicles used to transport passengers or freight.

(c) Any structure designed for and used exclusively as a dwelling for not more than two families.

(d) Equipment, including incinerators, used exclusively in connection with any structure, which structure is designed for and used exclusively as a dwelling for not more than two (2) families.

(e) The following equipment: (1) Comfort air conditioning or comfort ventilating systems which are not designed to remove air contaminants generated by or released from specific units or equipment; (2) Refrigeration units except those used as, or in conjunction with, air pollution control equipment; (3) Piston type internal combustion engines; (4) Water cooling towers and water cooling ponds not used for evaporative cooling of water from barometric jets or from barometric condensors. (5) Equipment used exclusively for steam cleaning; (6) Presses used exclusively for extruding metals, minerals, plastics, or wood; (7) Brazing, soldering or welding equipment; (8) Barbecue equipment which is not used for commercial purposes.

(f) Equipment used in eating establishments for the purpose of preparing food for human consumption.

(g) Space heaters.

(h) Steam generators, steam superheaters, water boilers, water heaters, and closed heat transfer systems that have a maximum heat input rate of less than 250,000,000 British Thermal Units (BTU) per hour (gross), and are fires exclusively with one of the following: (1) Natural gas; (2) Liquefied petroleum gas; (3) A combination of natural gas and liquefied petroleum gas.

(i) Self propelled mobile construction equipment other than pavement burners.

(j) Other sources of minor significance specified by the Air Pollution Control Officer.

(k) Agricultural implements used in agricultural operations.

(l) Repairs or maintenance not involving structural changes to any equipment for which a permit has been granted. Maintenance as used herein does not include operation.

(3.0) Rule 3.3 Applications.

Requests for an authorization to construct or a permit to operate, shall be initiated by filing an application with the Air Pollution Control Officer or his designee together with the filing fee required by these Rules and Regulations. The application shall contain all information necessary to enable the Air Pollution Control Officer to approve, approve subject to conditions, or deny the application.

(3.0) Rule 3.4 Standards for Granting Applications.

(a) The Air Pollution Control Officer shall deny authorization to construct, or permit to operate, except as provided in Rule 3.5, if the applicant does not show that every article, machine, equipment or other contrivance, the use of which may cause the issuance of air contaminants, or the use of which may eliminate or reduce or control the issuance of air contaminants, is so designed, controlled, or equipped with such air pollution control equipment, that it may be expected to operate without emitting or without causing to be emitted air contaminants in violation of Sections 24242 or 24243 of the Health and Safety Code, or of these Rules and Regulations.

(b) Before authorization to construct, or a permit to operate where no permit to operate is in force, is granted, the Air Pollution Control Officer may require the applicant to provide and maintain such facilities as are necessary for sampling and testing purposes in order to secure information that will disclose the nature, extent, quantity or degree of air contaminants discharged into the atmosphere from the article, machine, equipment, or other contrivance described in the authorization to construct or permit to operate. In the event of such a requirement, the Air Pollution Control Officer shall notify the applicant in writing of the required size, number and location of sampling holes, the size and location of the sampling platform, the access to the sampling platform, and the utilities for operating the sampling and testing equipment. The platform and access shall be constructed in accordance with the General Industry Safety Orders of the State of California.

(c) In acting upon a permit to operate, where no permit to operate is in force, if the Air Pollution Control Officer finds that the article, machine, equipment or other contrivance has been constructed not in accordance with the authorization to construct, he shall deny the permit. The Air Pollution Control Officer shall not accept any further application for permit to operate the article, machine, equipment or other contrivance so constructed until he finds that the article, machine, equipment or other contrivance has been reconstructed in accordance with the Authorization to Construct.

(3.0) Rule 3.5 Conditional Approval.

The Air Pollution Control Officer may issue an authorization to construct or a permit to operate, subject to conditions which will bring the operation of any article, machine, equipment or other contrivance within

the standards of Rule 3.4, in which case the conditions shall be specified in writing. Commencing work under such an authorization to construct, or operation under such a permit to operate, shall be deemed acceptance of all the conditions so specified. The Air Pollution Control Officer shall issue an authorization to construct or a permit to operate with revised conditions upon receipt of a new application, if the applicant demonstrates that the article, machine, equipment or other contrivance can operate within the standards of Rule 3.4 under the revised conditions.

(3.0) Rule 3.6 Denial of Application.

In the event of denial of authorization to construct or permit to operate the Air Pollution Control Officer shall notify the applicant in writing of the reasons therefor. Service of this notification may be made in person or by mail, and such service may be proved by the written acknowledgement of the persons served. The Air Pollution Control Officer shall not accept a further application unless the applicant has compiled with the objections specified by the Air Pollution Control Officer as his reasons for denial of the authorization to construct the permit to operate or the permit to sell or rent.

(3.0) Rule 3.7 Information.

The Air Pollution Control Officer may at any time require from an applicant for, holder of, or one required to hold, an authorization to construct or permit to operate or from a person who will be required to hold a permit in the future by Rule 3.1(c), such information, analysis, plans or specifications as will disclose the nature, extent, quantitity or degree of air contaminants which are or may be discharged into the atmosphere.

(3.0) Rule 3.8 Applications Deemed Denied.

The applicant may, at his option, deem the authorization to construct, permit to operate, denied if the Air Pollution control Officer fails to act on the application within (30) days after filing, or within thirty (30) days after applicant furnishes the further information, plans and specifications requested by the Air Pollution Control Officer, whichever is later.

(3.0) (16.0) Rule 3.9 Appeals.

Within ten (10) days after notice by the Air Pollution Control Officer of denial of conditional approval of an authorization to construct or permit to operate, the applicant may petition the Hearing Board, after notice and a public hearing held within thirty (30) days after filing the petition, may sustain or reverse the action of the Air Pollution Control Officer; such order may be made subject to specified conditions.

(3.0) Rule 3.10 Term of Authorization to Construct.

An authorization to construct shall remain in effect only until an application for a permit to operate the article, machine, equipment or other contrivance in question is granted or denied; however, such an authorization shall not remain in effect beyond two years from the date of issuance unless the Air Pollution Control Officer finds that the time required for construction requires an extension and grants one or more extensions to a time within five years of the date of issuance.

(3.0) Rule 3.11 Posting of Permit.

A person who has been granted under these Rules and Regulations a permit to operate any article, machine, equipment, or other contrivance, shall firmly affix such permit to operate, an approved facsimile, or other approved identification bearing the permit number upon the article, machine, equipment or other contrivance in such a manner as to be clearly visible and accessible. In the event that the article, machine, equipment, or other contrivance is so constructed or operated shall be mounted so as to be clearly visible in an accessible place within 25 feet of the article, machine, equipment, or other contrivance or maintained readily available at all times on the operating permises.

(3.0) Rule 3.12 Transfer.

Any permit or written authorization issued hereunder shall not be transferable, by operation of law or otherwise, from one location to another, from one piece of equipment to another, or from one person to another.

REGULATION IV: AGRICULTURAL BURNING

(51.13) Rule 4.1 Prohibitions.

(a) No-Burn Days. Except as otherwise authorized by permit under this Regulation, no person shall knowingly set or permit an open outdoor fire to burn agricultural wastes on "no-burn" days.

(b) Other Wastes. No person shall knowingly set or permit an open outdoor fire to burn agricultural wastes that are not free of other wastes such as tires, rubbish, tar paper, or construction debris.

(c) Minimum of Smoke. No person shall knowingly set or permit an open outdoor fire to burn agricultural wastes that are not arranged so that it will burn in a minimum of smoke.

(d) Dirt, Soil, and Visible Surface Moisture. No person shall knowingly set or permit an open outdoor fire to burn agricultural wastes that are not reasonably free of dirt, soil, and visible surface moisture.

(e) Minimum Drying Period. No person shall knowingly set or permit an open outdoor fire to burn agricultural wastes that have not been dried for the minimum periods between cutting and burning set for the in the following table: (1) A minimum of three days for grain stubble; (2) A minimum of thirty days for trees, stumps, and large branches greater than six inches in diameter; (3) Sufficient time for other agricultural waste such as orchard prunings, small branches, stubble, vegetable tops and seed screenings to assure rapid and complete combustion with a minimum of smoke; (4) The Air Pollution Control Officer may by order authorize burning of agricultural waste in shorter times if the denial of such permit would threaten imminent and substantial economic loss.

(f) Rice Straw Burning.

1. All rice harvesters shall employ a mechanical straw spreader to insure even distribution of the straw with the following exception:

   (a) Rice straw may be left in rows providing it meets drying time criteria prior to a burn as described in Section 2 of this regulation.

2. Drying Time for Rice Straw.

(a) After Harvest.

1. No spread rice straw shall be burned prior to a three day drying time.

2. No rowed rice straw shall be burned prior to a ten day drying time.

3. Sections 1 and 2 above do not apply if the rice straw makes an audible crackle when tested just prior to burning with the testing method described in Section 3 of this regulation.

4. Burning Method. Rice stubble is to be ignited only by stripfiring into the wind or by backfiring except where and when fire hazards are declared to exist.

(b) After a Rain.

1. After a rain exceeding .15 inch (fifteen hundredths of an inch) rice straw shall be burned unless the straw makes an audible crackle when tested just prior to burning with the testing method described in Section 3 of this regulation.

3. Testing Procedures to Determine Rice Straw Dryness.

(a) When checking the field for moisture the grower shall test a composite sample of straw from under the mat, in the center of the mat and from different areas of the field to insure a representative sample. A handful of straw from each area will give a good indication.

(g) Burning Hours. Burning hours shall be set by the Air Pollution Control Officer, with approval of the Air Pollution Control Advisory Committee and the Fire Marshal. Fire Districts shall post copies of burning hours where fire permits are issued.

(h) Total Daily Burning. Agricultural waste burning shall be limited to not more thar 10% of the total acreage of the largest single crop within the District on any one burn day except during the critical period.

1. Acreage Allotment during the Critical Period. During the critical period from October 1st through November 15th of each year, the acreage of agricultural burning shall be reduced to 50% (1/2) of the normal allotment which is permitted during the remainder of the year.

(51.13) Rule 4.2 Permit to Burn.

No person shall knowingly set or permit an open outdoor fire to burn agricultural wastes unless he has a valid permit to burn from a designated agency.

(3.0) Rule 4.3 Applications.

Request for a permit to burn shall be initiated by filing an application with the designated agency and shall provide information required by the designated agency for fire protection purposes and shall provide the information required to determine whether the proposed fire will not be in violation of the provisions of Sections 39298 and 39298.1 of the Health and Safety Code, these Rules and Regulations and, if the application is for authorization to burn on no-burn days, an estimate of the amount of wastes proposed to be burned and the reason why denial of the permit would have threatened imminent and substantial loss.

(3.0) Rule 4.4 Forms.

The Air Pollution Control Officer and the designated agencies shall jointly prepare forms of applications and permits to burn in accordance with the Rules and Regulations.

(3.0) Rule 4.5 Standards for Granting Applications.

The designated agency shall grant the permit to burn if the applicant shows that the proposed fire will not violate these Rules and Regulations or Sections 39298 and 39298.1 of the Health and Safety Code; however, if the application is for authorization to burn on no-burn days, the designated agency shall refer the application to the Air Pollution Control Officer, who shall grant the application if he finds that denial of the permit would threaten imminent and substantial economic loss.

(3.0) Rule 4.6 Permits, Daily Limits.

Before granting a permit to burn, the designated agency shall contact the Air Pollution Control Officer and determine whether permits have been authorized in excess of the daily limit on burning. If the daily limit is not exceeded thereby, the designated agency shall grant the permit and report the number of acres of stubble or tons of other agricultural wastes for which the permit is granted to the Air Pollution Control Officer.

(3.0) Rule 4.7 Restricted Burning Days.

If, for any reason, it becomes likely that wastes from more than 10% of the total acreage within the district of the largest agricultural crop will be burned on any one day, the Control Officer shall notify the local agencies designated in Rule 4.9 that a condition of restricted burning exists. On days of restricted burning local agencies shall restrict the acreage the stubble or other wastes to be burned under permit to that acreage allocated to the agency by the Control Officer. The Control Officer shall prorate the amounts to be burned to each agency based on the estimated number of acres in the geographic area covered by the agency.

(3.0) Rule 4.8 Permit Forms.

Permits to burn shall contain the following:

(a) Name and address of the permittee.

(b) Location of the proposed burning.

(c) Acreage or estimated tonnage of waste to be burned.

(d) The kind of agricultural waste to be burned.

(e) The statement "THIS PERMIT IS VALID ONLY ON THOSE DAYS WHICH ARE NOT PROHIBITED BY THE STATE AIR RESOURCES BOARD".

(f) Such other ifnormation as may be required by the agency issuing the permit.

(g) Permits shall specify the hours from 9:00 A.M. to 3:00 P.M. for ignition of fires.

(3.0) Rule 4.9 Fire Permit Agencies.

The following Sutter County Air Prevention Agencies or Officials are designated to grant permits for burning of agricultural wastes within the boundaries of their respective districts:

(1) Walton Fire District.

(2) Yuba County Fire Department.

(3) Live Oak Fire Department.

(4) Meridian Fire Department.

(5) Sutter Fire Department.

(6) Pleasant Grove Fire Department.

(7) Oswald Tudor Fire Department.

(8) East Nicolaus Fire Department.

(9) Robbins Fire Department.

(3.0) Rule 4.10 Fire Prevention.

Nothing in these rules is intended to permit open burning of agricultural wastes on days when such open burning is prohibited by public fire protection agencies for purposes of fire control or prevention.

(51.13) Rule 4.11 Range Improvement Burning.

(a) Burning shall only be those days declared as burn days by the Air Resources Board except if it is otherwise authorized by the Air Pollution Control Officer.

(b) No person shall knowingly set or permit an open outdoor fire for range improvement burning that is not free from other wastes such as tires, rubbish, tarpaper, plastics or construction debris.

(c) Fires will be ignited with approved ignition devises only.

(d) Should it be deemed necessary, for the preservation of acceptable air quality, by the Air Resources Board or the Air Pollution Control Officer; quotas for the acreage of range that may be burned on any given day may be imposed. The following shall apply in this regard.

1. The Permittee shall, prior to burning, establish from the Air Pollution Control District that the day's quota will allow the open burning of his proposed acreage of range, and shall receive verbal authorization from the Air Pollution Control District for his proposed burn.

2. Authorization for burning on quota days shall be given on first-come first-serve basis.

3. Any Permit issued pursuant to these criteria shall be valid on any quota day, unless approval for the proposed burn is given to the Permittee by the Air Pollution Control District on that said quota day.

(e) The burn shall be ignited as rapidly as practicable within applicable fire control restriction.

(f) The wind direction at time of the burn must be away from any populated area.

(g) All brush must be treated at least six months prior to the burn if it is economically and technically feasible.

(h) All unwanted trees over six inches in diameter must be felled and dried a minimum of 30 days prior to burning.

(i) If the burn is done primarily for improvement of land for wildlife and game habitat, the applicant must file a statement from the Department of Fish and Game certifying that the burn is desirable and proper.

(51.1) Rule 5.1 Orchard, Field Crop* or Citrus Heater.

The following applies to burning in orchards, field crops, and citrus groves to prevent frost damage:

(a) No new orchard or citrus grove heater shall be sold for use against frost damage unless it has been approved by the California Air Resources Board.

(b) No person shall use any orchard or citrus grove heater after January 1, 1975 unless it has been approved by the the California Air Resources Board or does not produce more than one gram per minute of unconsumed solid carbonaceous material.

(c) Open fires in orchards or citrus groves are prohibited except that the use of commercially prepared charcoal briquettes or similar substances designed for the purpose is permitted.

(d) The use of rubber tires of any rubber products in any combustion process in connection with any orchard or citrus grove heating is prohibited.

* Field crop as applied to this section shall mean field and truck crops.

(2.0) (16.0) Rule 6.3 Hearing Board Fees.

(a) Every applicant or petitioner for variance, or for the extension, revocation or modification of a variance, or for an appeal from a denial or conditional approval of an authorization to construct, permit to operate, or permit to sell or rent, except any state or local governmental agency or public district, shall pay to the Clerk of the Hearing Board, on filing, a fee in the sum of Twenty-five Dollars ($25.00).

(b) Any person requesting a transcript of the hearing shall pay the cost of such transcript.

(c) This Rule shall not apply to petitions filed by the Air Pollution Control Officer.

(2.0) (9.0) Rule 6.4 Analysis Fees.

(a) Whenever the Air Pollution Control Officer finds that an analysis of the emission from any source is necessary to determine the extent and amount of air contaminants being discharged into the atmosphere which cannot be determined by visual observation, he may order the collection of samples and the analysis made by a qualified professional engineer registered in the State or other qualified person.

(b) If the report upon the samples and analysis discloses a violation of Chapter 2, Division 20 or Chapter 10, Part 1, Division 26 of the Health and Safety Code or these Rules and Regulations, the Air Pollution Control Officer shall make an order charging costs against the owner or operator of the premises from which samples have been ordered collected. Such order shall be for the amount of the reasonable cost actually incurred for time required to collect samples, make analysis and prepare reports but excluding time required to go to and from the premises.

(2.0) (13.0) Rule 6.5 Technical Report Charges.

Information, circulars, reports and technical work, and other reports prepared by the Air Pollution Control District when supplied to other governmental agencies or individuals or groups requesting copies of the same, may be charged for by the District in a sum not to exceed the cost of preparation and distribution of such document.

REGULATION V: PROCEDURE BEFORE THE HEARING BOARD

(16.0) Rule 7.1 Applicable Articles of the Health and Safety Code.

The provisions of Article 4 and Article 6, Chapter 2, Division 20 of the State of California Health and Safety Code, entitled Rules and Regulations, Variances and Procedures are applicable to all hearings before the Hearing Board of the Sutter County Air Pollution Control District.

(2.0) Rule 7.2 General.

This regulation shall apply to all hearings before the Hearing Board of the Air Pollution Control District.

(2.0) Rule 7.3 Filing Petitions.

Request for a hearing shall be initiated by the filing of a petition in triplicate with the Clerk of the Hearing Board, and the payment to said Clerk of the filing fee required by these Rules and Regulations, after service of a copy of the petition has been made on the Air Pollution Control Officer, and one copy of the holder of the permit or variance, if any, involved. Service may be made by mail, and service may be proved by written acknowledgment of the person served.

No fee shall be required for filing of a petition by a public agency or a public officer acting in the scope of his official capacity.

(2.0) Rule 7.4 Contents of Petitions.

Every petition shall state:

(a) The name, address, and telephone number of the petitioner, or other person authorized to receive service of the notices;

(b) Whether the petitioner is an individual, co-partnership, corporation, or other entity, the names and addresses of partners, if a co-partnership, names and addresses of the persons in control, if other entity;

(c) The type of business or activity involved in the application and the street address or location at which it is conducted;

(d) A brief description of the article, machine, equipment, or other contrivance, if any involved, in the application;

(e) Whether the petitioner desires a hearing: (1) to determine whether a permit should be revoked, or suspended permit should be reinstated under Section 24274 of the Health and Safety Code; (2) for a variance under provisions of

Section 24292 of the Health and Safety Code; (3) to revoke or modify a variance under provisions of Section 29298 of the Health and Safety Code; (4) to review the denial or conditional granting of an authorization to construct, permit to operate or permit to sell or rent under Rules 3.1 and 3.3 of these Rules and Regulations.

(f) Each petition shall be signed by the petitioner or some person on his behalf, and where the person signing is not the petitioner, it shall set forth his authority to sign.

(g) Petitions for revocation of permits shall allege, in addition, the section or rule under which the permit was granted and the section or rule which is alleged to have been violated, together with a brief statement of the facts constituting such alleged violation.

(h) Petitions for reinstatement of suspended permits shall allege, in addition, the section or rule under which the permit was granted; the request and alleged refusal which formed the basis for such suspension, together with a brief statement as to why information requested, if any, was not furnished; and whether such information is believed to be pertinent, and if so, when it will be furnished.

(i) All petitions shall be typewritten, double spaced, on legal or letter size paper, one side of the paper only, leaving a margin of at least one inch at the top and left side of each sheet.

(5.0) Rule 7.5 Petition for Variances.

In addition to the matters required by Rule 7.4, petitions for variance shall state briefly:

(a) The section, rule or order complained of;

(b) The facts showing why compliance with the section, rule or order is unreasonable;

(c) For what period of time the variance is sought and why;

(d) The damage or harm resulting, or which would result to the petitioners from a compliance with such section, rule or order;

(e) The requirements which petitioner can meet and the date when petitioner can comply with such requirements;

(f) The advantages and disadvantages to the residents of the district resulting from granting a variance;

(g) Whether or not operations under such variance, if granted, would contitute a nuisance;

(h) Whether or not any case involving the same identical equipment or process is pending in any court, civil or criminal.

(j) Whether or not the subject equipment or process is covered by a permit to operate issued by the Air Pollution Control Officer.

(2.0) Rule 7.6 Appeal from Denial.

A petition to review a denial or conditional approval of an authorization to construct, permit to operate, or permit to sell or rent shall, in addition to the matters required by Rule 7.4 set forth a summary of the application, or a copy thereof; the alleged reasons for the denial or conditional approval; and the reasons for the appeal.

(2.0) Rule 7.7 Failure to Comply with Rules.

The Clerk of the Hearing Board shall not accept for filing any petition which does not comply with these rules relating to the form, filing and service of petitions, unless the Chairman or any two members of the Hearing Board direct otherwise and confirm such direction in writing. Such direction need not be made at a meeting of the Hearing Board. The Chairman of any two members, without a meeting, may require the petitioner to state further facts or reframe a petition so as to disclose clearly the issues involved.

(2.0) Rule 7.8 Answers.

Any person may file an answer within 10 days after service. All persons answering shall be served in the same manner as petitioners under provisions of Rule 7.3.

(2.0) Rule 7.9 Dismissal of Petition.

The petitioner may dismiss his petition at any time before submission of the case to the Hearing Board, without a hearing or meeting of the Hearing Board. The Clerk of the Hearing Board shall notify all interested persons of such dismissal.

(16.0) Rule 7.10 Place of Hearing.

All hearings shall be held at the Chamber of the Board of Supervisors of the County of Sutter, County Office Building, Yuba City, California, unless some other place is designated by the Hearing Board.

(16.0) Rule 7.11 Notice of Hearing.

The Clerk of the Hearing Board shall mail or deliver a notice of hearing to the petitioner, the Air Pollution Control Officer, the holder of the permit of variance involved, if any, and to any person entitled to notice under provisions of Section 24275, 24295, 24299 of the Health and Safety Code.

(16.0) Rule 7.12 Evidence.

(a) Oral evidence shall be taken only on oath of affirmation.

(b) Each party shall have these rights: to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him to testify; and to rebut the evidence against him. If respondent does not testify in his own behalf, he may be called and examined as if under cross-examination.

(c) The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible person are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the same extent that they are now, or hereafter may be, recognized in civil actions, and irrelevant and unduly repetitious evidence shall be excluded.

(16.0) Rule 7.13 Preliminary Matters.

Preliminary matters such as setting a date for hearing, granting, continuances, approving petitions for filing, allowing amendments, and other preliminary rulings not determinative of the merits of the case, may be made by the Chairman or any two members of the Hearing Board without a hearing or meeting of the Hearing Board and without notice.

(16.0) Rule 7.14 Official Notice.

The Hearing Board may take official notice of any matter which may be judicially noticed by the courts of this State.

(16.0) Rule 7.15 Continuances.

The Chairman or any two members of the Hearing Board shall grant any continuance of fifteen (15) days or less concurred in by petitioner, the Air Pollution Control Officer and by every person who has filed an answer in the action, and may grant any reasonable continuance; in either case such action may be ex parte, without a meeting of the Hearing Board and without prior notice.

(16.0) Rule 7.16 Decisions.

The decision shall be in writing, served and filed within fifteen (15) days after submission of the cause by the parties thereto, and shall contain a brief statement of facts found to be true, the determination of the issues presented and the order of the Hearing Board. A copy shall be mailed or delivered to the Air Pollution Control Officer, the petitioner and to every person who has filed answer or who has appeared as a party in person or by counsel at the hearing.

(2.0) Rule 7.17 Effective Date of Decision.

The decision shall become effective fifteen (15) days after delivering or mailing a copy of the decision as provided in Rule 6.16, or the Hearing Board may order that the decision shall become effective sooner.

(3.0) Rule 7.18 Lack of Permit.

The Hearing Board shall not receive or accept a petition for a variance for the operation or use of any article, machine, equipment or other contrivance until a permit to operate has been granted or denied by the Air Pollution Control Officer; except that an appeal from a denial of a permit to operate and a petition for a variance may be filed with the Hearing Board, after denial of a permit to operate by the Air Pollution Control Officer, may include a permit to operate for the duration of the variance.